

CORRESPONDENCE
DOCKET FILE COPY ORIGINAL
CORRESPONDENCE
FILE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re Applications of)	MM Docket No. 99-153
)	
READING BROADCASTING, INC.)	File No. BRCT-940407KF
)	
For Renewal of License of)	
Station WTVE(TV), Channel 51)	
Reading, Pennsylvania)	
)	
and)	
)	
ADAMS COMMUNICATIONS)	File No. BPCT-940630KG
CORPORATION)	
)	
For Construction Permit)	

RECEIVED

DEC 30 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Administrative Law Judge Richard L. Sippel

OPPOSITION TO NOTICES OF DEPOSITIONS

Reading Broadcasting, Inc. ("Reading"), by its counsel and pursuant to Section 1.315(b) of the Commission's rules, hereby opposes the December 22, 1999 Notices by Adams of Deposition Upon Oral Examination ("Notices") filed by Adams Communications Corporation ("Adams"). In support, the following is shown:

This case was designated for hearing on May 6, 1999 and discovery was authorized to commence on July 14, 1999. *See Hearing Designation Order*, DA 99-865 (Video Ser. Div. released May 6, 1999), and *Order*, FCC 99M-42 (released July 15, 1999). Discovery on the comparative issue was initially ordered to close on September 24, 1999. *Id.* This deadline was extended to October 29, 1999 at the September 10, 1999 prehearing conference. *See Order*, 99M-51 (released September

No. of Copies rec'd 0+6
List A B C D E

14, 1999). This deadline was then extended to November 12, 1999. *See Order*, FCC 99M-67 (released October 29, 1999). However, at Adams' request, Adams was given the opportunity to defer deposing any rebuttal public witnesses, provided that Adams (a) identify its rebuttal public witnesses by October 29, 1999, which Adams did, and (b) submit by November 30, 1999 (after consultation with counsel for Reading and counsel for the Bureau) a schedule for the deposing of its public rebuttal witnesses and a proposed schedule for the filing of rebuttal depositions. *See Order*, FCC 99M-57 (released October 5, 1999).

Adams did not confer with counsel for Reading on the proposed deposition schedule, nor did it submit a proposed schedule by November 30, 1999. Moreover, Adams has provided no information, in any form, as to what knowledge, if any, its proposed rebuttal witnesses have concerning Reading's claim to a renewal expectancy. Had Adams complied with the Presiding Officer's *Order*, Adams would have a basis for proceeding with depositions of legitimate rebuttal witnesses. Having failed to comply, Adams must live with the consequences of its non-compliance.

Respectfully submitted,
READING BROADCASTING, INC.

By: 

Thomas J. Hutton
Randall W. Sifers
Its Attorneys

HOLLAND & KNIGHT LLP
2100 Pennsylvania Ave., N.W.
Suite 400
Washington, DC 20037
(202) 828-1892

December 30, 1999

CERTIFICATE OF SERVICE

I, Myra Powe, a secretary in the law firm of Holland & Knight, LLP, do hereby certify that on December 30, 1999, a copy of the foregoing OPPOSITION TO NOTICES OF DEPOSITIONS was delivered via facsimile to the following:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W., Room 1-C864
Washington, DC 20554

James Shook, Esq.
Enforcement Division
Mass Media Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3-A463
Washington, DC 20554

Gene A. Bechtel, Esq.
Harry F. Cole, Esq.
Bechtel & Cole, Chartered
1901 L Street, N.W.
Suite 250
Washington, DC 20036
Counsel for Adams Communications Corporation

I further certify that on December 30, 1999, a copy of the foregoing OPPOSITION TO NOTICES OF DEPOSITIONS was delivered via first-class mail, postage prepaid, to the following:

Mr. John Loos
Director, Emergency Management, Berks County
51 Oak Terrace Drive
Birdsboro, PA 19508

Mr. Lawrence J. Medaglia, Jr.
Register of Wills and Clerk of the Orphans' Court
633 Court Street
2nd Floor
Reading, PA 19601

Mr. David Baldinger
225 New Castle Drive
Reading, PA 19602

Mr. Roger Kimpland
10 South Second Street
Reading, PA 19602

Mr. James P. Troutman
Clerk of Courts
633 Court Street
4th Floor
Reading, PA 19601


Myra Powe

WAS1 #788193 v1